

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ MAR 16 2020 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SAUL DOMINGUEZ-AGUIRRE and GABINO
ORTIZ, individually and on behalf of all other
persons similarly situated,

Plaintiffs,

-against-

NOT FOR PUBLICATION
MEMORANDUM & ORDER
15-CV-04931 (CBA) (SMG)

277 GOLD INC., et al.,

Defendants.

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AMON, United States District Judge:

Plaintiff Saul Dominguez-Aguirre brought this action on August 21, 2015, individually and on behalf of all other persons similarly situated, against Defendants 277 Gold Inc. d/b/a Brownstone Bar & Restaurant, Downtown Alehouse Ltd., and Salvatore Barretta. (Docket Entry (“D.E.”) #1.) Plaintiffs Dominguez-Aguirre and Gabino Ortiz, also individually and on behalf of all other persons similarly situated, filed the operative third amended complaint on October 25, 2017, against defendants 277 Gold Inc. d/b/a Brownstone Bar & Restaurant, Downtown Alehouse Ltd., Sharnay T. Adam, Salvatore Barretta, Paul Hurley, and Dartagna F. Lamb, pursuant to the Fair Labor Standards Act, 29 U.S.C. §§ 201 et seq., and the New York Labor Law. (D.E. # 46 at ¶¶ 1–3.) Plaintiffs seek to recover unpaid or underpaid minimum wages, overtime compensation, and spread-of-hours wages. (Id.) On February 11, 2020, the parties filed a consent motion to dismiss and for settlement approval pursuant to Cheeks v. Freeport Pancake House, 796 F. 3d 199 (2d Cir. 2015). (D.E. # 70.) This Court referred the motion to the Honorable Steven M. Gold, United States Magistrate Judge, for report and recommendation. (D.E. dated 2/18/2020.) Magistrate Judge Gold submitted a Report & Recommendation (“R&R”) recommending that the Court approve the settlement. (D.E. # 72.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted). The Court has reviewed the record and, finding no clear error, adopts the R&R as the opinion of the Court.

The Court finds the settlement agreement to be fair and reasonable, and approves the settlement agreement.

SO ORDERED.

Dated: March 16, 2020
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon
United States District Judge